AMENDMENTS TO THE DRAWINGS

Figure 6c has been amended so that each magnified/exploded view now has its own figure number. Thus, Figure 6c is now Figures 6c, 6d, 6e, and 6f, all of which are on one drawing sheet.

Also, two new drawing sheets (formalized) are being added: one for new Figure 1c and one for new Figure 7 have been added. The Applicant submits that the new figures are fully supported by the application as originally filed, and that no new matter has been added.

Also, each of the original drawing sheets has been amended to account for the two new drawing sheets that include Figures 1c and 7 in the overall numbering of drawing sheets. Thus, instead of six drawing sheets, there are now a total eight drawing sheets.

The eight replacement drawing sheets (formalized) are included in this transmission for the Examiner's review and approval.

REMARKS

Claims 1-5, 7-13, 15-20, and 22-24 are currently pending. The Applicant is herein amending claims 1, 7, 12, 15, 19, 22, 23, and 24. Claims 6, 14, 21, and 25 are herein cancelled.

The Examiner objected to the drawings in that they contain text and dimensions, and indicated that only reference numerals should be included.

The Applicant respectfully submits that patent drawings should be in such a form so as to facilitate understanding of the invention. MPEP § 608.02, 37 C.F.R. § 1.81(b), 37 C.F.R. § 1.84a. In addition, 37 C.F.R. § 1.84(g) specifically states that suitable descriptive legends may be used "where necessary for understanding of the drawing."

The text and dimensions included in the figures by the Applicant were provided to facilitate such understanding. If the drawings included only reference numerals as suggested by the Examiner, they would convey such little information that the reader would be forced to manually annotate the figures in order to have understanding of the claimed invention and the manner in which it operates. In addition, the dimensions provided by the Applicant readily demonstrate various details of a colorimeter mounting scheme configured in accordance with one embodiment of the present invention, in the name of a robust and full disclosure.

Thus, in the spirit reflected in 37 C.F.R. § 1.84(g) and in the name of readily understandable figures, the Applicant respectfully requests the Examiner to reconsider and withdraw this objection.

The Examiner objected to Figure 5, in that it does not show a sensor hole. Figure 5 is a cross-section view of a colorimeter mounting scheme configured in accordance with one embodiment of the present invention. The Applicant notes that the sensing hole is clearly shown in other figures, and that the sensing hole is not shown in Figure 5 because the cross-section is not taken across the sensing hole. Rather, the feature being demonstrated in Figure 5 is the pull tab 70. As such, the Applicant respectfully requests the Examiner to reconsider and withdraw this objection.

The Examiner objected to the figures in that the reference numerals are consistent in each of the figures, and the Examiner suggests that each figure should have different reference numbers.

The Applicant notes that like reference labels in different figures refer to like features. For example, the embodiments shown in Figures 1a, 1b, 2a, 2b, 3a, 3b, 4, and 6a each include like features, such as inner suction cups 30 and outer suction cups 20. In addition, some of the embodiments have rigid stops 50 and some have a sensor shield 60. Although the overall shape of the mounting system can vary (e.g., round in Figures 1a-b and 2a-b, and rectangular or square in Figures 4 and 5), the various features employed (e.g., inner and outer suction cups, rigid stops, sensor shields, sensing holes) can be interchanged and used as will be apparent in light of the Applicant's disclosure. In short, such consistent labeling facilitates understanding and reading of the application. In addition, the Applicant has amended the specification (paragraph #0028) to indicate that like reference labels in different figures refer to like features. As such, the Applicant respectfully requests the Examiner to reconsider and withdraw this objection.

The Examiner objected to Figure 6c under 37 C.F.R. § 1.84(h)(5), which addresses modified forms of views.

Figure 6c illustrates dimensional details of a colorimeter mounting scheme configured in accordance with one embodiment of the present invention. The Applicant notes that Figure 6c does not employ modified forms. Rather, Figure 6c employs magnified partial views. 37 C.F.R. § 1.84(h)(2) indicates that a portion of a view can be enlarged for magnification purposes. In addition, the Applicant has amended Figure 6c so that each of the views shown is now associated with its own figure label. Thus, the magnified partial views are now labeled Fig. 6d, Fig. 6e, and Fig. 6f. The specification has also been amended accordingly. As such, the Applicant respectfully requests the Examiner to withdraw this objection.

The Examiner objected to the drawings under 37 C.F.R. § 1.83(a), stating that they fail to show a colorimeter and screen in combination with the mounting system.

The Applicant has added Figure 1c and Figure 7, and respectfully requests the Examiner to withdraw this objection. The Applicant notes that the new figures are fully supported by the Applicant's original disclosure (e.g., paragraph #s 0035-0038 and 0056), and that no new matter has been added. For example, paragraph # 0037 of the Applicant's disclosure states: "In one particular embodiment, the baseplate 10 and the inner and outer suction cup groups 20/30 are fabricated as a single molded piece of injection moldable elastomer or rubber. Here, the suction cup array formed from the baseplate 10 with the inner and outer suction cup groups 20/30 can be integrally-molded or over-molded as part of the colorimeter housing. Alternatively, the baseplate 10 can be a rigid piece of metal or plastic cut to an appropriate shape, and a suction cup array formed with the inner and outer suction cup groups 20/30 can be a single injection molded construction of elastomer or rubber. This separately fabricated suction cup array can be coupled with the baseplate 10 using an adhesive or other suitable fastening mechanism. The combined assembly can then be fastened to the colorimeter housing. Alternatively, the rigid baseplate 10 can be integral to the housing of the colorimeter, and the separately fabricated suction cup array can be coupled accordingly." Also, see Figure 1 (shows colorimeter mounted on screen) and paragraph #s 0047-0060 of U.S. Application No. 10/684,854, filed 10/14/03, titled "Colorimeter with Single Cable Low Impact Mounting System", which was incorporated in its entirety by reference into the Applicant's disclosure at the time of filing. As such, the Applicant respectfully requests the Examiner to withdraw this objection.

Claims 20 and 21 were rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the enablement requirement as to the claimed language: "wherein the sensing device is a colorimeter … ."

The Applicant traverses this rejection. In addition, note that the Applicant has effectively rewritten claim 21 in independent form.

Sections 2164.01(a)(b)(c) of the MPEP state: "The test of enablement is whether one reasonably skilled in the art could make or use the invention from the disclosures in the patent coupled with information known in the art without undue experimentation. ... As long as the specification discloses at least one method for making and using the claimed invention that bears a reasonable correlation to the entire scope of the claim, then the enablement requirement of 35 U.S.C. § 112 is satisfied. ... If a statement of utility in the specification contains within it a connotation of how to use, and/or the art recognizes that standard modes of administration are known and contemplated, 35 U.S.C. § 112 is satisfied."

In this rejection, the Examiner states that a colorimeter has not been shown in the figures, and that the specification does not describe how the mounting system would attach to a colorimeter.

To that end, the Applicant refers the Examiner to paragraph #0035 through 0038 of the originally filed application, which describe various embodiments of how the mounting system can be coupled to a colorimeter. As is known in the art, a colorimeter includes a sensor that is adapted to receive light emitted from a target source, such as a monitor (e.g., LCD or CRT).

The Applicant explains that "baseplate 10 is configured with a suction cup array including a number of suction cups arranged in a desired pattern. .... The sensing hole 40 is cut through the baseplate 10 and aligns to the sensing window of the colorimeter. The configuration (e.g., shape, location of sensing hole) of the baseplate 10 can generally be adapted to accommodate the colorimeter or other device that is being mounted. In this case, the circular shape of the baseplate 10 and the inner and outer suction cup groups 20/30 can be attributed to a circular-shaped colorimeter. It will be apparent in light of this disclosure, however, that other shapes for the base plate and suction cup array pattern are possible." (Applicant's paragraph #s 0035 and 0036).

The Applicant continues by describing a particular embodiment where "... the baseplate 10 and the inner and outer suction cup groups 20/30 are fabricated as a single molded piece of injection moldable elastomer or rubber. Here, the suction cup array formed from the baseplate 10 with the inner and outer suction cup groups 20/30 can be integrally-molded or over-molded as part of the colorimeter housing." (Applicant's paragraph # 0037).

In another embodiment, the Applicant explains that "the baseplate 10 can be a rigid piece of metal or plastic cut to an appropriate shape, and a suction cup array formed with the inner and outer suction cup groups 20/30 can be a single injection molded construction of elastomer or rubber. This separately fabricated suction cup array can be coupled with the baseplate 10 using an adhesive or other suitable fastening mechanism. The combined assembly can then be fastened to the colorimeter housing." (Applicant's paragraph # 0037).

In another embodiment, the Applicant explains that "the rigid baseplate 10 can be integral to the housing of the colorimeter, and the separately fabricated suction cup array can be coupled accordingly." (Applicant's paragraph # 0037).

The Applicant also provides specific example materials that can be used in making and attaching the mounting system to the colorimeter or other device: "ALCRYN 2260 is one example of a thermoplastic elastomer which is injection moldable, and can be used to form the baseplate and or suction cup array. This rubber-like material blend is well-suited to achieve low viscosity requirements during molding while supplying desired material properties. LOCTITE 401 and Prism primer are example adhesives that can be used to bond the suction cup array to a rigid support piece or device housing made from, for example, ABS/PC plastics." (Applicant's paragraph # 0038).

Also, the Applicant kindly refers the Examiner to Figure 1 and paragraph #s 0047-0060 of U.S. Application No. 10/684,854, filed 10/14/03, titled "Colorimeter with Single Cable Low Impact Mounting System", which was incorporated in its entirety by reference into the Applicant's disclosure at the time of filing. This Figure 1 shows a colorimeter and screen, and the paragraphs describes a colorimeter mounting scheme as claimed by the Applicant.

In addition, the Applicant has added Figures 1c and 7 to show a colorimeter coupled to the mounting system and a target screen. The Applicant submits that these new figures are fully supported by the original disclosure with no new matter being added.

Thus, there are a number of techniques described for making and attaching the mounting system to a colorimeter or other device, as will be understood by one skilled in the art in light of the Applicant's disclosure.

For at least these reasons, the Applicant respectfully requests that the Examiner reconsider and withdraw this rejection of claims 21 and 22 under 35 U.S.C. § 112, first paragraph. Note that claim 21 has effectively been rewritten in independent form, as amended claim 19.

Claims 20 and 21 were also rejected under 35 U.S.C. § 112, first paragraph as being indefinite."

The Applicant has cancelled claim 21 and now believes this rejection to be moot. The Applicant therefore respectfully requests the Examiner to withdraw this rejection under 35 U.S.C. § 112, first paragraph.

Claims 1-3, 6, 7, 11, 19, 20, and 23-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Somner (G.B. Patent 2,314,263) in further view of Bolton (U.S. Patent 6,526,618). In addition, claims 4, 5, 8-10, and 12-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Somner in further view of Bolton in further view of Vidal (U.S. Patent 4,671,976).

Without conceding as to the deficiencies of the cited references, and without conceding as to improperness of their combinations, the Applicant has amended claim 19 to include the limitations of claim 21. The Examiner stated that such an amendment would place independent claim 19 in condition for allowance. In addition, the Applicant has amended independent claims 1 and 12 to include limitations which the Examiner indicated would be allowable. Independent claim 25 has been cancelled.

For at least these reasons, the Applicant respectfully requests that the Examiner reconsider and withdraw the rejections of independent claims 1, 12, and 19, as well as their respective dependent claims.

The Applicant believes the above amendments and remarks to be fully responsive, thereby placing this application in condition for allowance. Favorable action is solicited. The Examiner is kindly invited to contact the undersigned attorney by telephone, facsimile, or email for quickest resolution, if there are any remaining issues.

Respectfully submitted,

Scott J. Asmus, Reg. No. 42,269
Neil F. Maloney, Reg. No. 42,833

Cus. No. 24222
Maine & Asmus
PO Box 3445
Nashua, NH 03061-3445
Tel. No. (603) 886-6100
Fax. No. (603) 886-4796
Info@maineandasmus.com

ANNOTATED SHEET

OIPE
OCT 0 1 2004
PATENT & TRADEMARK OFFICE

1/~~6~~8

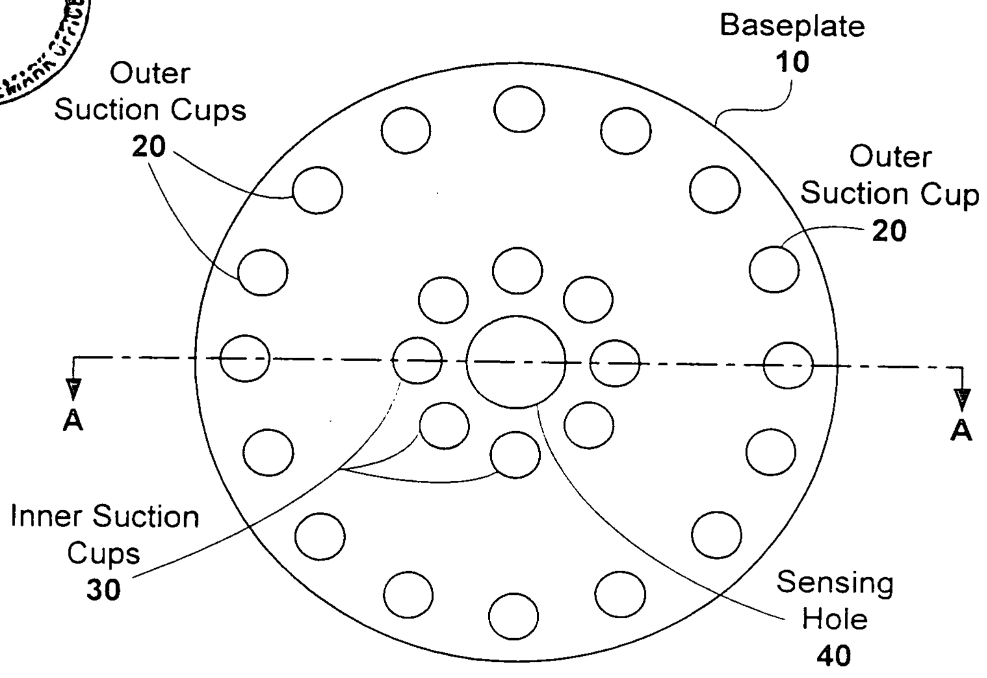

Fig. 1a

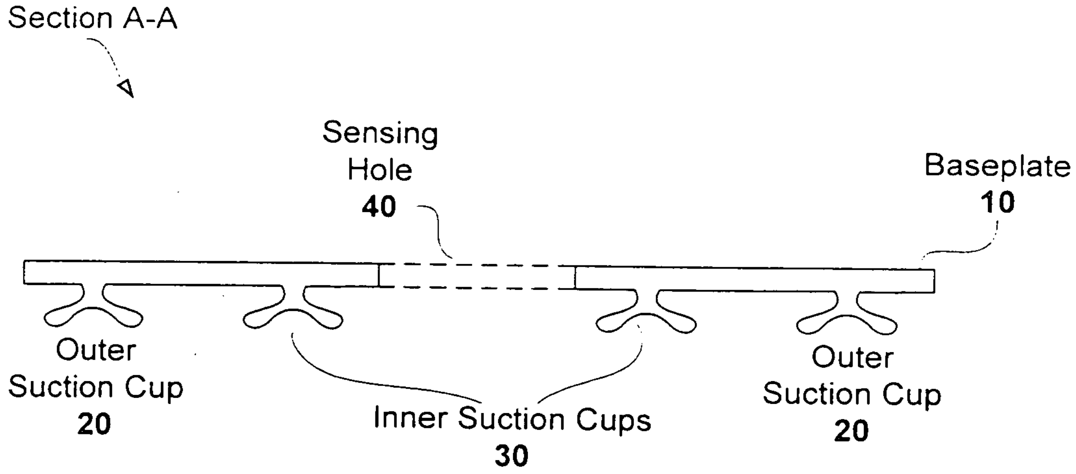

Fig. 1b

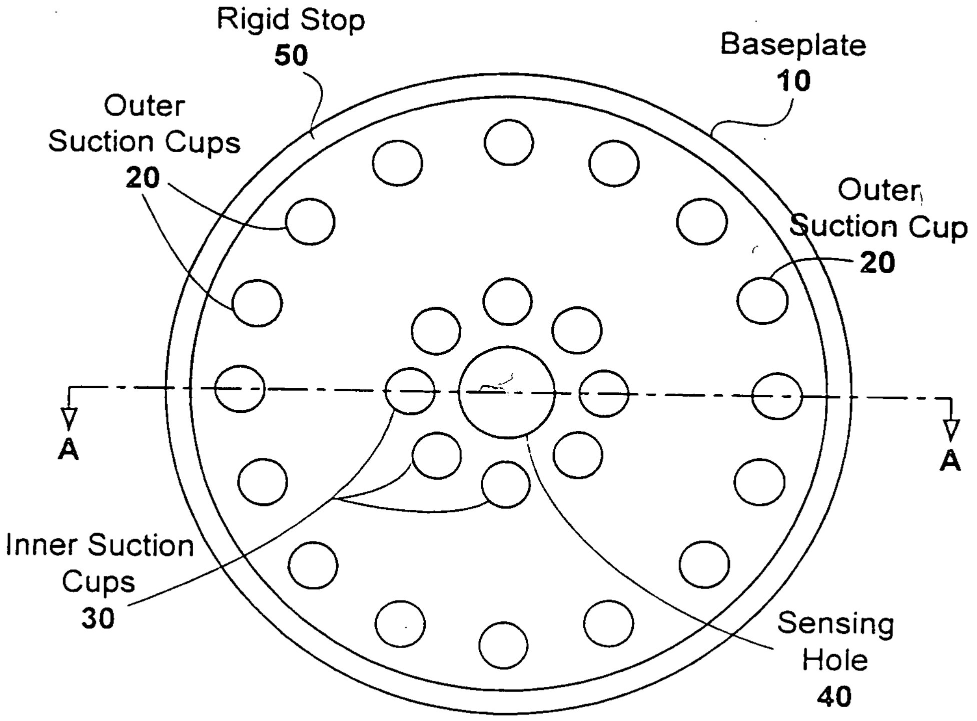
Rigid Stop
50
Baseplate
10
Outer
Suction Cups
20
Outer
Suction Cup
20
A
A
Inner Suction
Cups
30
Sensing
Hole
40

Fig. 2a

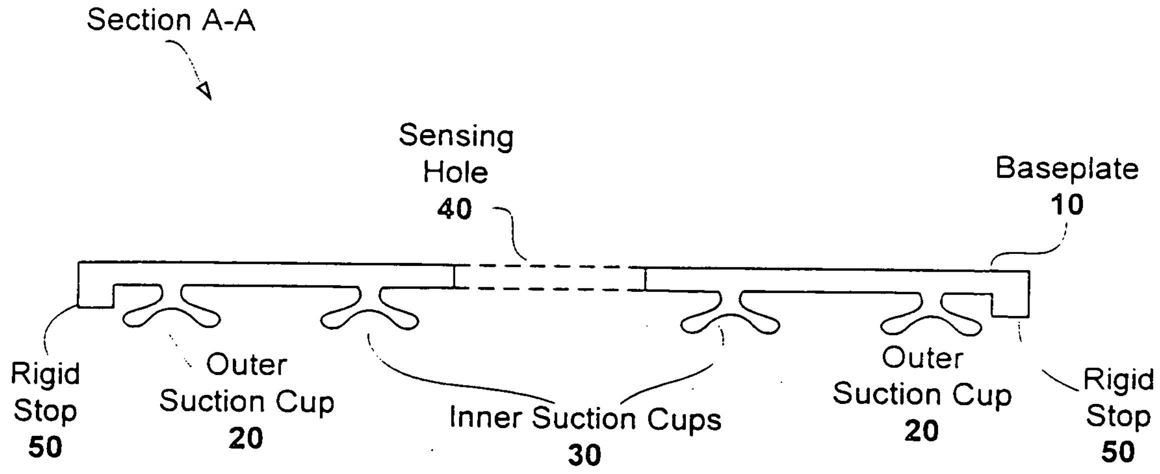
Section A-A
Sensing
Hole
40
Baseplate
10
Rigid
Stop
50
Outer
Suction Cup
20
Inner Suction Cups
30
Outer
Suction Cup
20
Rigid
Stop
50

Fig. 2b

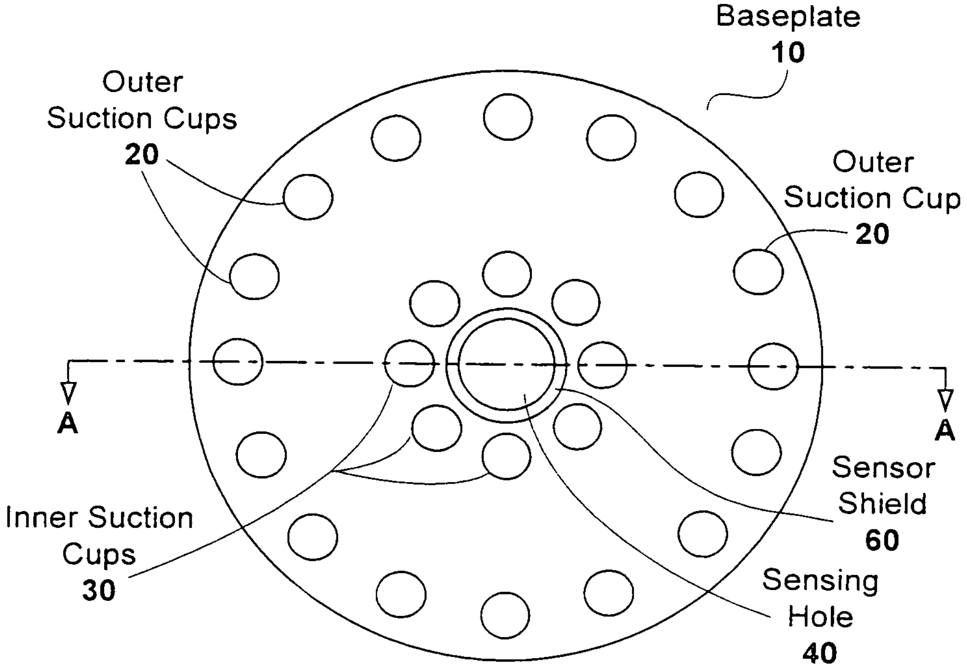
Baseplate
10
Outer
Suction Cups
20
Outer
Suction Cup
20
A
A
Sensor
Shield
60
Inner Suction
Cups
30
Sensing
Hole
40

Fig. 3a

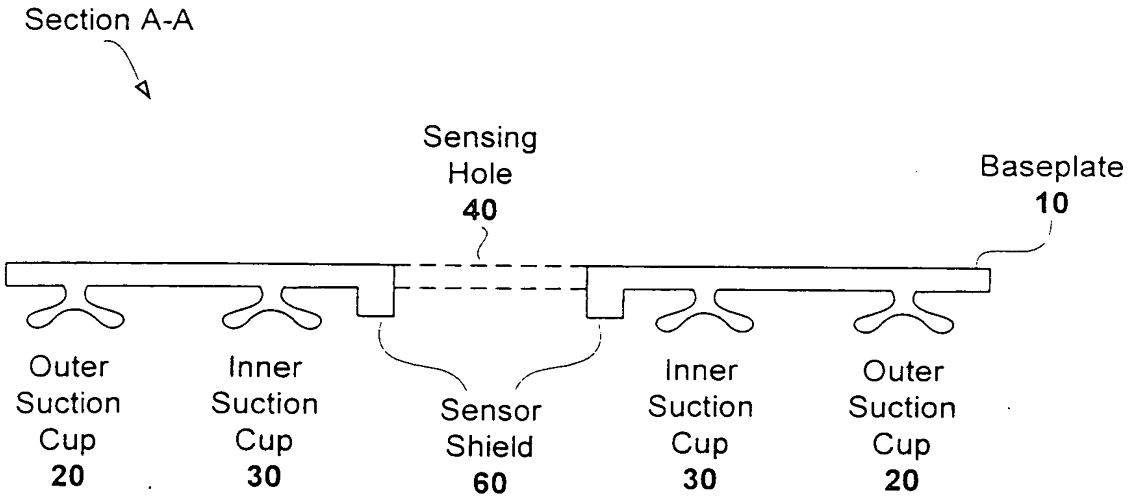
Section A-A
Sensing
Hole
40
Baseplate
10
Outer
Suction
Cup
20
Inner
Suction
Cup
30
Sensor
Shield
60
Inner
Suction
Cup
30
Outer
Suction
Cup
20

Fig. 3b

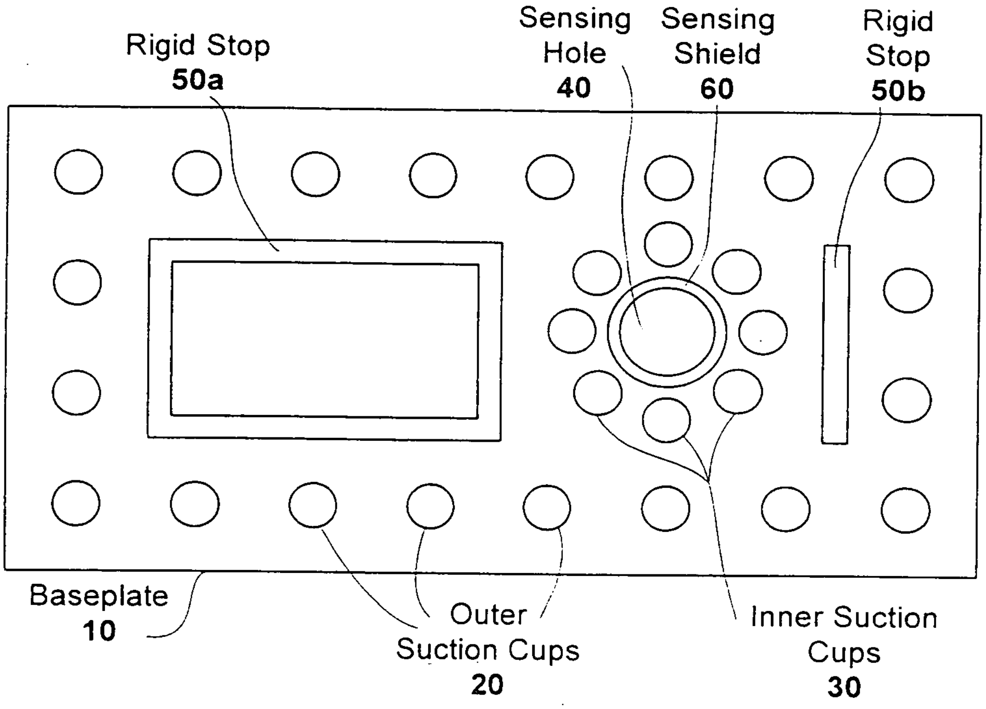
Rigid Stop
50a
Sensing Hole
40
Sensing Shield
60
Rigid Stop
50b
Baseplate
10
Outer Suction Cups
20
Inner Suction Cups
30

Fig. 4

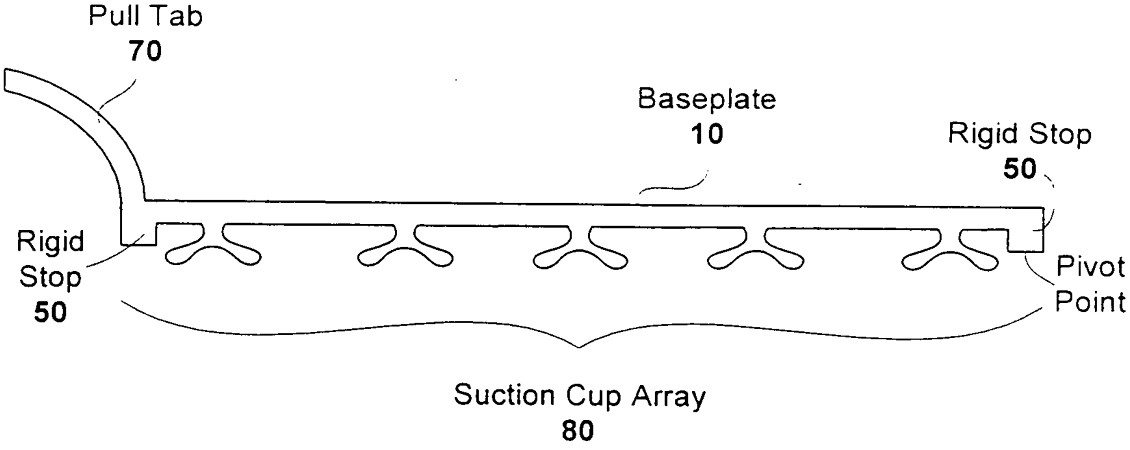
Pull Tab
70
Baseplate
10
Rigid Stop
50
Rigid Stop
50
Pivot Point
Suction Cup Array
80

Fig. 5

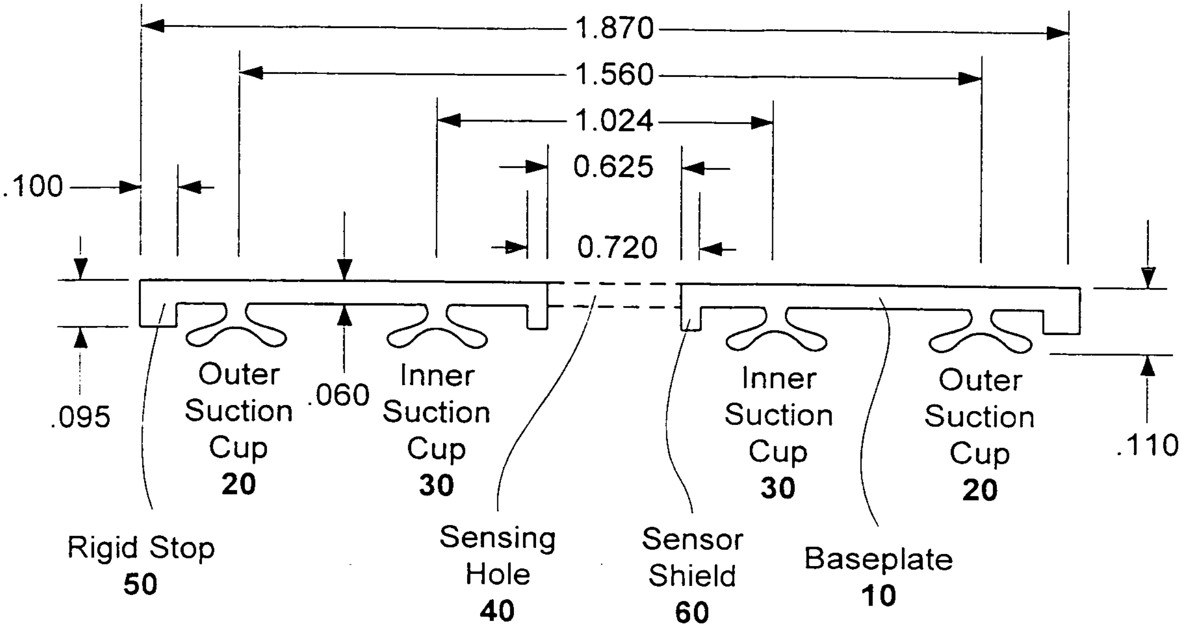
1.870
1.560
1.024
0.625
0.720
.100
.095
.060
.110
Outer Suction Cup 20
Inner Suction Cup 30
Inner Suction Cup 30
Outer Suction Cup 20
Rigid Stop 50
Sensing Hole 40
Sensor Shield 60
Baseplate 10

Fig. 6a

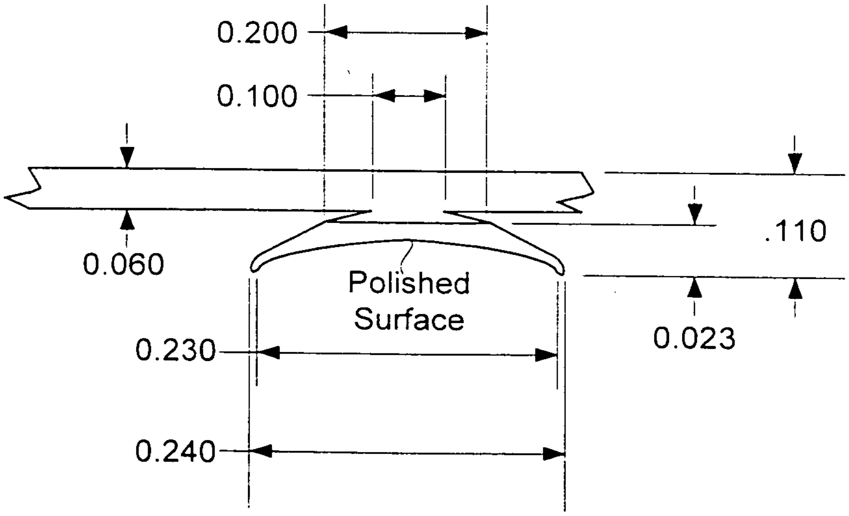
0.200
0.100
0.060
.110
Polished Surface
0.023
0.230
0.240

Fig. 6b

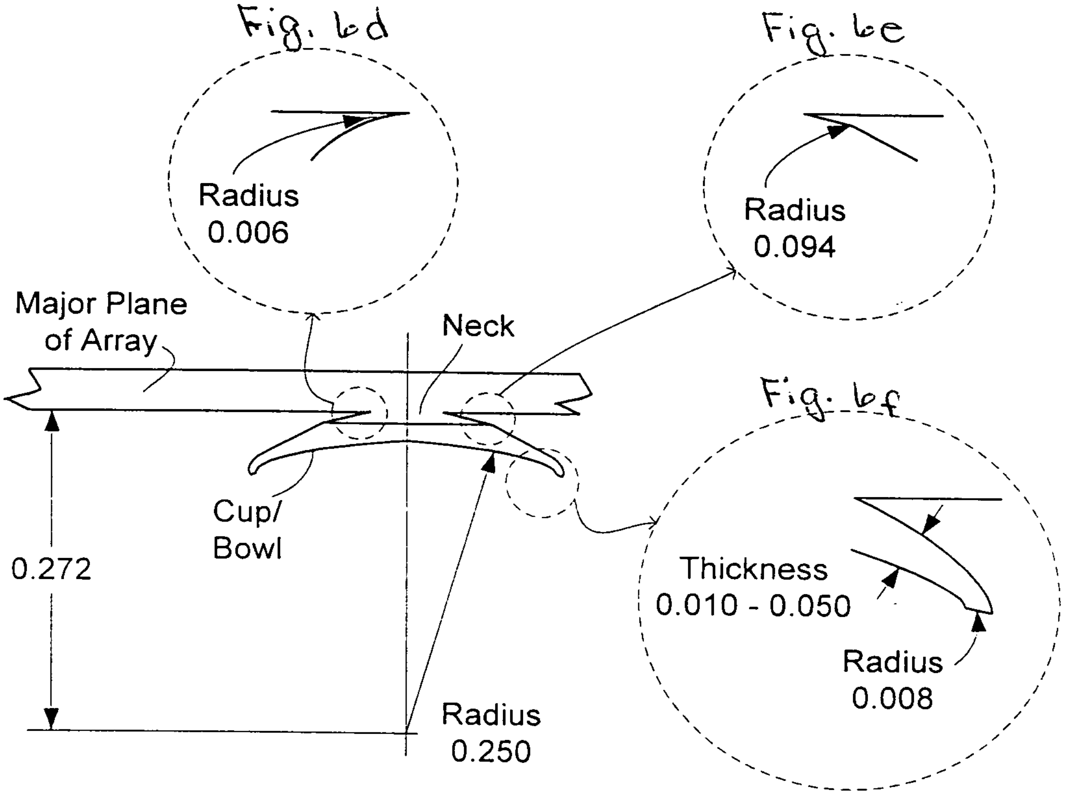
Fig. 6d
Radius
0.006
Fig. 6e
Radius
0.094
Major Plane
of Array
Neck
Fig. 6f
Cup/
Bowl
0.272
Thickness
0.010 - 0.050
Radius
0.008
Radius
0.250

Fig. 6c